

December 19, 2023

Honorable Judge Jed Rakoff
United States District Court
Southern District of New York
500 Pearl Street, Room 1340
New York, NY 10007

Reference: USA v. Colello, Case Number: 20-cr-613

Your Honor:

Mr. Edmondson forwarded to my wife the email from your clerk advising that my request to postpone the December 4th sentencing date was granted and was extended to December 20, 2023 in order for me to retain new counsel.

I have been attempting to retain new counsel, however, due to certain circumstances, have not yet finalized doing so. First, I, along with the other prison population have been on lockdown since very early on Friday morning and have not been able to be in contact with my family members or any attorneys. This morning, at 11:00, was the first time I have been able to access the phone or the computers to see what has been going on. And I am advised that we have one free hour before we will again be locked down. Thus, I am not able to participate in retaining a new attorney. Secondly, it will likely prove difficult, if not impossible, to retain an attorney before tomorrow and before the Christmas/New Year Holiday. Thirdly, as I conveyed in my last letter to the Court of November 29th, I have still not seen the sentencing report, which is a required prerequisite before sentencing. Mr. Edmondson has not provided a copy, not spoken to me to review same. My last letter, I stated the following:

In accordance with your instructions given to me at the last hearing, I am informing you that I have not heard from or seen my attorney since our meeting with the probation officer sometime in October, neither by email or video conference. I have no idea of what is in probation's presentencing report or if my attorney submitted objections, and if so, what they were. My wife contacted him yesterday morning asking the status of the report and the sentencing, asking him to please arrange a video call with me to discuss the contents of the report and any objections he may have made and she finally received a response from him late last evening, after 10:30 p.m. He informed her that the sentencing was moved to 4:00 p.m. on Monday, December 4th. I had countlessly asked him to postpone the sentencing hearing, to give me more time to retain an attorney who would actually advocate on my behalf, meet with me, in person and/or by videoconference, and prepare a response to the sentencing report. Mr. Edmondson has done none of these things. He insisted that the date could not be moved as he had plane and hotel reservations already scheduled. Mr. Edmondson had indicated in the email to my wife that he had sent me a summary of the presentencing report. She asked him when he had sent it and he informed her he just did. This exchange took place after midnight. I spoke to my wife this morning and she informed me that Mr. Edmondson sent a summary of the

sentencing recommendation to me via the prison email service, which is not always working and also I am not always able to get access to due to us being locked up a great portion of every day and sometimes days on end. I was able to access the email a short time ago and it was a VERY BRIEF summary, stating only the months recommended for each charge, with no further explanation. He has made no effort to contact me AT ALL. I have seen him only twice since the I was led out of the courtroom after the verdict, at the last court visit and during the visit with probation. He did not even visit me the day the trial ended – just skipped out of town.”

I had requested a 30-day extension to retain new counsel, until AFTER the holidays, and was granted an extension to right before the Christmas holiday. I am imploring the Court to grant an additional 30 days to retain new counsel. It is difficult with the limitations placed on me by the facility to participate in retaining counsel.

With Kind Regards

Michael J. Colello

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